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Atty Docket No. 015280-413100US

PTO FAX NO.: 703-872-9306
ATTENTION: Examiner Sakelaris, Sally

Group Art Unit 1634

**OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER Sakelaris, Sally**

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following document(s) in re Application of BARRY et al., Application No. 09/888,320, filed June 22, 2001 for METHODS OF DIAGNOSING MULTIDRUG RESISTANT TUBERCULOSIS is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Communication
2. Transmittal Form previously submitted 2/11/004
3. Petition for Extension of Time previously submitted on 2/11/004
4. Fee Transmittal previously submitted on 2/11/004
5. Notice of Appeal from the Examiner to the Board of Patent Appeals
and Interferences previously submitted on 2/11/004
6. Amendment previously submitted on 2/11/004
7. Postcard submitted with items 2-6 above and submitted on 2/11/004

Number of pages being transmitted, including this page: 39

Dated: March 29, 2004

Mary Farnoff

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PATENT
Docket No.: 015280-413100US
Client Ref. No.: E-093-2000/0-US-02

TOWNSEND and TOWNSEND and CREW LLP

By: *Henry Fris*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BARRY et al.

Application No.: 09/888,320

Filed: June 22, 2001

For: METHODS OF DIAGNOSING
MULTIDRUG RESISTANT
TUBERCULOSIS

Examiner: Sakelaris, Sally

Art Unit: 1634

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In a telephone call today, Examiner Sakelaris asked whether a response had been filed with respect to the captioned application. The undersigned counsel indicated that a response had been duly filed on February 11, 2004. Examiner Sakelaris indicated that the response had never been received, and requested that a copy of the response be faxed to the official fax number.

Attached in response to the Examiner's request is a copy of the Applicants' February 11, 2004, filing. Applicants note that they apparently have not received back a copy of the postcard indicating receipt by the Patent and Trademark Office. Applicants note, however, that the Amendment was accompanied by a certificate of mailing. Applicants respectfully remind the Examiner that, pursuant to 37 C.F.R. § 1.8(a) (1), correspondence will be considered as timely filed if the correspondence is mailed prior to

BARRY et al.
Application No.: 09/888,320
Page 2

PATENT

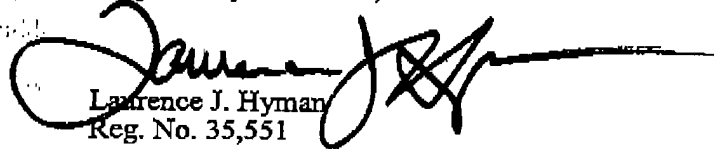
expiration of the set period of time by being addressed and deposited with the U.S. Postal Service and includes a certificate stating the date of deposit.

CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the Amendment as of the February 11, 2004 mail date of the certificate of mailing.

If the Examiner believes a telephone conference would expedite prosecution of this application, she is invited to telephone the undersigned at the number below.

Respectfully submitted,



Laurence J. Hyman
Reg. No. 35,551

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